

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BENTHOS MASTER FUND, LTD.,

Petitioner,

-against-

AARON ETRA,

Respondent.

20-CV-3384 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on March 28, 2023, Respondent Aaron Etra (“Mr. Etra”), for the first time in the three years that this proceeding has been pending, asserted his Fifth Amendment privilege with respect to the act of production of (1) any funds and third party records he was ordered by the Court to produce to comply with Petitioner Benthos Master Fund, Ltd.’s (“Benthos’s”) subpoenas and to purge his contempt and (2) all records and information on his computer and cellphones, without specifying particular records or information as to which the act of production could be incriminating, *see* Order, Dkt. 307;

WHEREAS the Court set a briefing schedule regarding Mr. Etra’s invocation of his Fifth Amendment privilege, *see* Orders, Dkts. 307, 316; and

WHEREAS on April 14, 2023, the Court appointed Parvin Moyne (“Ms. Moyne”) as Etra’s new counsel for limited purposes, *see* Order, Dkt. 316; and

WHEREAS on April 17, 2023, Ms. Moyne informed the Court that her firm has an irreconcilable conflict that prevents her from representing Mr. Etra, *see* Letter, Dkt. 321;

IT IS HEREBY ORDERED that Ms. Moyne is relieved as counsel. Daniel McGuiness (“Mr. McGuiness”) is appointed as Mr. Etra’s new counsel. Mr. McGuiness is ordered promptly to review the Court’s Order regarding the generally limited scope of this appointment, *see* Order,

Dkt. 258, as well as the Court's Order regarding Mr. Etra's civil contempt and the Court's coercive sanctions, *see* Order, Dkt. 260, and the Court's Order regarding Mr. Etra's invocation of his Fifth Amendment privilege, *see* Order, Dkt. 307.

IT IS FURTHER ORDERED that because Mr. Etra's invocation of his Fifth Amendment privilege is an ancillary matter to the Court's holding that he is in civil contempt, the Court expands the limited appointment of Mr. Etra's counsel to include Mr. Etra's invocation of his Fifth Amendment privilege against compelled self-incrimination.

IT IS FURTHER ORDERED that the current briefing schedule regarding Mr. Etra's Fifth Amendment privilege is CANCELLED. Not later than **Friday, April 21, 2023**, Mr. McGuiness must enter a notice of appearance, and the parties must submit a joint letter proposing a new briefing schedule.

The Clerk of Court is respectfully directed to mail a copy of this Order to Mr. Etra at Aaron Etra, Reg. No. 36170-510, MDC-Brooklyn, P.O. Box 329002, Brooklyn, NY 11232, and to note the mailing on the public docket.

SO ORDERED.

Date: April 17, 2023
New York, New York



VALERIE CAPRONI
United States District Judge